

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL GARCIA JR.,

Petitioner,

v.

C. SCHUYLER,

Respondent.

Case No. 1:25-cv-00251-SAB-HC

ORDER DENYING PETITIONER'S
MOTION TO APPOINT COUNSEL

(ECF No. 2)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner has moved for appointment of counsel. (ECF No. 2.) There currently exists no absolute right to appointment of counsel in habeas proceedings. See, e.g., Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958). However, the Criminal Justice Act authorizes the appointment of counsel at any stage of the proceeding for financially eligible persons if “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). To determine whether to appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

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1 Petitioner only states that counsel should be appointed because cannot afford one. (ECF
2 No. 2.) Upon review of the petition, the Court finds that Petitioner appears to have a sufficient
3 grasp of his claims and the legal issues involved and that he is able to articulate those claims
4 adequately. The legal issues involved are not extremely complex, and Petitioner does not
5 demonstrate a likelihood of success on the merits such that the interests of justice require the
6 appointment of counsel at the present time.

7 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion to appoint counsel
8 (ECF No. 2) is DENIED.

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10 IT IS SO ORDERED.

11 Dated: **February 28, 2025**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE
United States Magistrate Judge